

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ZACHARY M. SPIVEY,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 3:19-cv-1256-N-BT
	§	
ABSENTIA PICTURES LLC, <i>et al.</i> ,	§	
Defendants.	§	

MEMORANDUM ORDER


The Court has under consideration the Findings, Conclusions, and Recommendation (“FCR”) of United States Magistrate Judge Rebecca Rutherford dated October 2, 2019 (ECF No. 19). For the reasons that follow, the Court TERMINATES Judge Rutherford’s FCR as moot.

This action was referred to Judge Rutherford for pretrial management under 28 U.S.C. § 636(b). To this date, Dicemen House Cinema, LLC (“Diceman”), one of the three defendants in this action, has not been served. Accordingly, Judge Rutherford entered the instant FCR recommending that the Court dismiss Plaintiff Zachary Spivey’s (“Spivey”) complaint as against Diceman, without prejudice. Presumably prompted by the FCR, Spivey filed a notice of dismissal as to Diceman only (ECF No. 20). The Court then terminated Diceman as a party.

Because Spivey voluntarily dismissed Diceman and Diceman has since been terminated as a party, Judge Rutherford’s FCR recommending the Court dismiss Spivey’s complaint as against Diceman is moot. As such, the Court TERMINATES the FCR as moot.

SO ORDERED

November 22, 2019


DAVID C. GODBEY
UNITED STATES DISTRICT JUDGE